

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA,)	
INC.,)	
)	No. 1:11-cv-08808
Plaintiffs,)	
)	Judge Steven C. Seeger
v.)	
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG)	
MARKETERS, INC., CAL-MAINE)	
FOODS, INC., and ROSE ACRE)	
FARMS, INC.)	
)	
Defendants.)	

JOINT STATUS REPORT

NOW COME Plaintiffs Kraft Foods Global, Inc., The Kellogg Company, General Mills, Inc., and Nestlé USA, Inc. and Defendants United Egg Producers, Inc., United States Egg Marketers, Inc., Cal-Maine Foods, Inc., and Rose Acre Farms, Inc. (collectively, the “Parties”), by counsel, and provide this Court a Joint Status Report in advance of the upcoming pretrial conference. In support, the Parties state as follows:

In advance of the September 28th final pretrial conference, the Parties wanted to express their gratitude to Court for taking substantial time to issue thoughtful rulings on the motions *in limine*, as the opinions provided significant guidance to the Parties. With the benefit of the Court’s rulings, the Parties are

continuing to work together to streamline the case, including by revisiting deposition designations and exhibits.

In furtherance of that spirit, and understanding the Court will have its own agenda for the final pretrial conference, the Parties respectfully wish to identify issues and topics for which they jointly or individually seek further guidance from the Court during the pretrial conference.

1. Jury Selection
 - a. Whether the Court will issue the Parties' proposed questionnaire
 - b. Process, venire, peremptory challenges
2. Jury Instructions
 - a. Preliminary instructions to Jury
 - i. Will the Court provide any substantive instructions pre-trial?
3. Parties' request for clarification/discussion
 - a. Certain MIL Rulings
 - b. One lawyer questioning per side rule
 - c. Scope of rebuttal evidence
4. Update on deposition designations and exhibits
 - a. Remains a work in progress; the Parties have not filed our disputed exhibits or objections to deposition designations pending meet and confers
 - b. Process to resolve document redaction disputes
 - c. Process for resolving evidentiary disputes – deposition designations and exhibits
 - i. Is Monday October 16th available for the Court?
 - ii. Will the Court be willing to set aside some time each day to resolve disputes for next day?
5. Court schedule
 - a. Start time, end time every day

- b. Disclosure of the next day's witnesses
- 6. Witness sequestration/exclusion
- 7. Preadmission of exhibits
- 8. Proposal for direct examination exhibit exchange
- 9. Openings
 - a. Slide exchange deadlines/handling objections
 - b. Length
- 10. Expert witnesses
 - a. Court's procedure on qualifying experts
- 11. Specific witness issues
- 12. Logistics issues
 - a. Does Court want hardcopies of exhibits, and if so, in what format
 - b. Access to courtroom for tech set-up - can this be done Friday or Monday before trial?
 - c. Access to attorney rooms at courthouse
- 13. Miscellaneous
 - a. Change in party names – pending split of Kellogg – Rule 25(c)

September 22, 2023

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